

117TH CONGRESS  
2D SESSION

# H. R. 7920

To create a civil action for non-consensual sexual protection barrier removal,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2022

Mrs. CAROLYN B. MALONEY of New York (for herself, Mrs. TORRES of California, Mr. KHANNA, Mr. CASTEN, Ms. LEE of California, Ms. NEWMAN, Mr. TAKANO, Mr. LYNCH, Ms. BARRAGÁN, Mr. BLUMENAUER, Ms. PORTER, Mr. TRONE, Ms. BONAMICI, Mrs. WATSON COLEMAN, Ms. ADAMS, Ms. CLARKE of New York, Mr. CARSON, Ms. CHU, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Mrs. CHERFILUS-McCORMICK, Ms. STANSBURY, Mr. CARTER of Louisiana, Mr. GRIJALVA, Mr. GARCÍA of Illinois, Ms. MENG, Ms. BASS, Mr. LARSON of Connecticut, Ms. MOORE of Wisconsin, Mr. DANNY K. DAVIS of Illinois, Ms. KUSTER, Ms. NORTON, Ms. TLAIB, Mr. LIEU, and Mr. BROWN of Maryland) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To create a civil action for non-consensual sexual protection barrier removal, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2       tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stealthing Act of  
5       2022”.

1   **SEC. 2. FINDINGS.**

2       Congress finds the following:

3           (1) Stealthing is a type of sexual violence used  
4       to describe non-consensual condom removal during  
5       sex.

6           (2) In October 2021, California became the  
7       first State to outlaw stealthing at the State level.  
8       This law creates a civil remedy so that victims of  
9       stealthing can sue for damages.

10          (3) A 2019 study from Health Psychology re-  
11       ported that almost 10 percent of male participants  
12       reported engaging in non-consensual condom re-  
13       moval since the age of 14 years, with an average of  
14       3.62 times and a range of 1–21 times.

15          (4) A 2019 study from the Jacobs Institute of  
16       Women’s Health found that 12 percent of women  
17       have experienced stealthing.

18          (5) A 2018 Australian study from PLoS ONE  
19       found that one in three female respondents and one  
20       in five gay male respondents have experienced  
21       stealthing.

22          (6) Stealthing is a grave violation of autonomy,  
23       dignity, and trust that is considered emotional and  
24       sexual abuse.

1                   (7) Stealthing exposes victims to physical risks  
2                   including pregnancy and sexually transmitted dis-  
3                   eases.

4                   (8) People engaging in sexual intercourse have  
5                   the right to make decisions about whether to use a  
6                   condom or other sexual protection barrier.

7                   **SEC. 3. NON-CONSENSUAL SEXUAL PROTECTION BARRIER**

8                   **REMOVAL.**

9                   (a) CIVIL ACTION.—Any person may commence a  
10                  civil action against a person who, in a circumstance de-  
11                  scribed in subsection (b), engages in non-consensual sex-  
12                  ual protection barrier removal.

13                  (b) CIRCUMSTANCES DESCRIBED.—For the purposes  
14                  of subsection (a), the circumstances described in this sub-  
15                  section are that—

16                  (1) the defendant traveled in interstate or for-  
17                  eign commerce, or traveled using a means, channel,  
18                  facility, or instrumentality of interstate or foreign  
19                  commerce, in furtherance of or in connection with  
20                  the conduct described in subsection (a);

21                  (2) the defendant used a means, channel, facil-  
22                  ity, or instrumentality of interstate or foreign com-  
23                  merce in furtherance of or in connection with the  
24                  conduct described in subsection (a);

- 1                         (3) a payment of any kind was made, directly  
2                         or indirectly, in furtherance of or in connection with  
3                         the conduct described in subsection (a) using any  
4                         means, channel, facility, or instrumentality of inter-  
5                         state or foreign commerce or in or affecting inter-  
6                         state or foreign commerce;
- 7                         (4) the defendant transmitted in interstate or  
8                         foreign commerce any communication relating to or  
9                         in furtherance of the conduct described in subsection  
10                         (a) using any means, channel, facility, or instrumen-  
11                         tality of interstate or foreign commerce or in or af-  
12                         flecting interstate or foreign commerce by any means  
13                         or in manner, including by computer, mail, wire, or  
14                         electromagnetic transmission;
- 15                         (5) any sexual protection barrier described has  
16                         traveled in interstate or foreign commerce and was  
17                         used to perform the conduct described in subsection  
18                         (a);
- 19                         (6) the conduct described in subsection (a) oc-  
20                         curred within the special maritime and territorial ju-  
21                         risdiction of the United States, or any territory or  
22                         possession of the United States; or
- 23                         (7) the conduct described in subsection (a) oth-  
24                         erwise occurred in or affected interstate or foreign  
25                         commerce.

1       (c) PENALTY.—A person bringing a civil action under  
2 subsection (a) may recover compensatory and punitive  
3 damages, injunctive and declaratory relief, and such other  
4 relief as a court may deem appropriate.

5       (d) DEFINITIONS.—In this section:

6              (1) NON-CONSENSUAL SEXUAL PROTECTION  
7 BARRIER REMOVAL.—The term “non-consensual sex-  
8 ual protection barrier removal” means removal of a  
9 sexual protection barrier from a body part, including  
10 the genitals, or an object being used by a person for  
11 sexual contact with another person without the con-  
12 sent of each person involved in such sexual contact,  
13 causing sexual contact between the body parts, in-  
14 cluding the genitals, or objects being used for sexual  
15 contact, and the body of any person engaged in such  
16 sexual contact.

17              (2) SEXUAL PROTECTION BARRIER.—The term  
18 “sexual protection barrier” includes a condom, in-  
19 cluding an internal condom, a dental dam, or any  
20 other barrier against sexual fluids during sexual con-  
21 tact.

